

OUTLINE

*24 October 1978  
Nat'l Press Club  
speech*

Paper - look for:

Leaks

Court

Subpoenas

Find - Problems of press sources

Welcome

Farber - Stanford

One key problem intell.

Past focus abuses

Assure less threat - than inadequate intell.

Allies

Agents

Timidity

Risks

How correcting?

Internal

Tighten

Balance

Table tilted

External

Openness

Respect more

More than openness

Respect legitimacy

Farber believes legitimacy warrants withholding  
court of law

Bases on interpret. of Constitution

Being questioned

My obligation to protect sources based in law

Addition - problem you don't have

Protect info of national security

Clearly because risks - right to keep secret must have checks

Greater assurance today

1. Openness

2. Controls

Guidelines

Prohibitions

Injunctions

3. Oversight

Revolution

Charters

Neither solve problem - promote understanding complexity issue -

Helms - ITT - not capricious

Not without check

Oversight

Whistle blowers

24 October 1978

DCI-17  
SIDE A  
0 - 2

We in the intelligence field most often think of you in the media profession as adversaries. We have the secrets and believe we must keep them to fulfill our responsibilities of keeping our decision makers informed about developments in foreign countries. You want our secrets and feel you need to have them in order to fulfill your obligation to keep our country informed and to check on improper performance of government officials. As I unfold my morning paper each day and scan it to find how many of our I look to see how many of our delicate sources of intelligence may have been compromised by one story or another, or how many of our intelligence officers are being ordered to testify in court when they may be forced to reveal the delicate sources, or how many subpoenas have we received for/delivery of notes or documents which contain information information that will point to our sources. It is as likely as not, however, today that in scanning for these problems I will find your problems instead. It will be you, the media, who are being taken into the courts and forced to defend the secrecy of your sources or you who are receiving the subpoenas; at least if I understand it the essence of the court cases against Mr. Farber or the Stanford Daily is whether preserving the confidentiality of a newsman's sources is essential to meeting his obligations and to the continued success of your profession.

~~If there is one problem that transcends all others in significance/ importance/~~ There is one problem in American intelligence today which transcends all others in importance. I believe it is exactly the same one that you are facing of maintaining the confidentiality of sources. Today we simply have inadequate secrecy in this country. We are asked to give up secrets in the name of prosecuting violators of the law. We are asked to give up secrets

in the name of keeping the American public informed. We are asked to give up secrets in order to insure that no newspaper or academic institution is not aware of prior private relationships of its members with the intelligence community. We are asked to give up secrets in the name of Congressional investigation, and so the list goes on and on. The net result of all this is disquieting trends in our intelligence capabilities.

Allies ...

Agents ...

Timidity ...

And let me assure you that we cannot have intelligence without risk-taking, but if we think we can have intelligence without risk-taking, we are going to end up without intelligence.

How can we in the field of intelligence go about correcting this situation? First there are a lot of things we can do internally. A lot of the problem is right on our own doorstep. Sometimes it is our own employees or recent employees who provide the leaks. Sometimes we are vulnerable to deliberate espionage because we do not adhere to our security precautions properly. Accordingly, there are things we can and are doing to tighten our security procedures. It is always a matter of compromise between such tight controls that we cannot do our job with reasonable efficiency and such great efficiency that we cannot properly control our secrets. The tables today are tilted a bit too much in the direction of efficiency of operations. I am working to turn them back and I hope that will make your lives more difficult with respect to obtaining our secrets.

We are also doing things ~~on the external side~~ externally, the first of which requires your assistance. This is a policy of greater openness with the

American public. There is no question in my mind that the American public recognizes the importance of having a strong and secret intelligence capability for our country. Yet I also believe that the public would like to base their support of our intelligence capability on a better understanding of what we do and why we do it. My presence here is evidence of my personal commitment to keep the public better informed by being more open about intelligence activities where and when that is possible. I am grateful to all of you for the fact that it is only through your auspices that such messages can be conveyed to our citizens.

How will openness help us preserve secrets? Well, simply by reducing the excessive corpus of secrets that now exist within our government. Today so much is unnecessarily classified that we have come to lose respect for the classified label. By whittling away the more we can safely make available to the public, the less that must be kept under classified wraps and the easier it will be to engender respect for that which remains secret.

It takes more than openness, however, to preserve our secrets. Basically there must be some renewed public acknowledgement that secrecy is legitimate. Clearly there is a very fine line which we must tread between impeding justice or the free flow of information within our society and giving away data that is of vital importance to us. It is a delicate balance between a government that serves its people poorly because it does not keep them informed and one that serves them poorly because it does not maintain some necessary secrets. No government, no business, no newspaper, no private individual can conduct his life or business without some element of secrecy. Mr. Farber feels the release of his notes would endanger an obligation he had to individuals and set a precedent that would endanger the future of his profession. So, too, do we in the field of intelligence react almost daily. There is one difference between

our attitudes and obligations. Mr. Farber's case and yours rests upon your interpretation of the Constitution--an interpretation which today is being challenged. My obligation rests upon a law of this country. The National Security Act of 1947 requires that the Director of Central Intelligence in his person make every reasonable effort to protect our sources and methods of collecting intelligence. Still another difference in our perspectives is that protecting sources is only one of our problems. Still another is that there truly is information which it is not in our national interest to disclose--as I mentioned earlier, our negotiating positions, our weapons characteristics, etc. ~~It is not in our national interest to disclose.~~ As I/ It has become very suspect these days to ~~talk about~~ even to refer to national security interests. Abuse of this term in the past however does not make it invalid today. There simply is information which it is not in the national interest to disclose.

24 Oct 1978

Tape 2

Side A, 0-3

Continuation of another tape

We cannot negotiate a SALT treaty if we cannot maintain the privacy of our negotiating position. We cannot afford to develop weapons systems or devices for collecting intelligence and then tell those against whom ~~we are going to use them~~ we might have to use them what their precise characteristics are. No government, no business, no newspaper, no private individual can conduct his life or business without some measure of privacy or secrecy.

Because, however, we in the world of intelligence are in the risk-taking business and because there are dangers to our national fabric of the improper use of secrecy or the improper use of the intelligence process then shrouded in secrecy, clearly there must be special checks on us. There must be means to determine whether the loss of the identification of one of our sources would in fact be inhibiting or whether the disclosure of what is claimed to be sensitive information would in fact endanger the national security. I would like today to give you my sense that never before in its history has ~~this~~ the public country ~~have~~ been in a better position to feel confident that ~~these~~ abuses such as these will not occur. The country is today perhaps more aware than ever before of the potential for such abuses. It could not help but be so after ~~three and one~~ after almost four years of intense public scrutiny with revelation ~~and~~ revelation and allegation after allegation. Out of ~~those years~~ the crucible of those years of criticism, however, we have over the past several years constructed a whole new regimen of controls and checks.

These begin with the policy of greater openness that I have cited to you before. There is no doubt in my mind that the American public understands

the importance of having a capable and secretive intelligence service. At the same time, because of these past revelations the American public wants ~~and~~ ~~deserve to know~~ to have a better base on which to support our intelligence activities. I believe this will come from a better understanding of what we do and why. My presence here, for instance, is an evidence of my personal commitment <sup>keep the</sup> to/public better informed by being more open about intelligence activities --where and when that is possible.

Beyond this, we have established a complex system of control mechanisms to govern our day-by-day activities. These range from two basic guidelines which are the framework within which all intelligence professionals now work. The first guideline is that our espionage must be considered an extraordinary remedy. Clandestine means of gathering information should never be utilized when the same information might be available openly. The second guideline is that actions which we take in secret must be defensible, in principle, in public. Clearly, we cannot lay out publicly all the details of each instance of espionage which we undertake, but we can in public defend the general classes of actions which we take. Beyond the guidelines, we have established a series of prohibitions. Some activities, such as assassination, are so repugnant to our national standards as to warrant prohibition without exception. In some cases a total prohibition is a bit too rigid a position. Instead, we have injunctions which generally prohibit certain activities unless there is a specific authorization for them. This is analogous to procedures in common use in our country with respect to law enforcement. There is clearly an injunction against law enforcement agencies invading the privacy of our homes, for instance, <sup>the</sup> but with/specific authorization of a search warrant an exception can be made. We, too, in intelligence are establishing analogous procedures.

Equally importantly, however, the most significant change in American intelligence in recent years and one that is truly revolutionary is the introduction



of effective external oversight. This oversight is intended to check on how the guidelines, prohibitions and injunctions are being carried out, and to relate the nature of intelligence activities to the attitudes and mores of the country as a whole.

Intelligence Oversight Board:

...

Oversight committees to the Congress...

Accountability is sobering(?)...

Charters...

On top of all these governmental checks and controls, we also of course view the media as an important oversight mechanism, surely of major importance in reassuring our public and in preventing abuse. My plea to you, however, is to recognize that we are in fact in the same plight. We are professionals dedicated to secrecy who are constantly having to defend ourselves against being pressed into excessive openness. You are professionals dedicated to openness who are now facing great pressures to dispense with your few secrets. I hope you will recognize that when we balk at disclosing all the secrets necessary to prosecute a Dick Helms or an ITT we do not do so in an arbitrary manner. Our judgments may be incorrect but we study the issues carefully. Beyond that, we are required to justify our positions not only to the Attorney General but in cases of controversy to our oversight committees. Yes, it is right for you to question these judgments but here your oversight is frequently hampered by undersight. That is, you are at a severe disadvantage compared with our Intelligence Oversight Board and our Congressional committees when surveilling the activities of the Intelligence Community since we deliberately do not share our secrets with you. This indeed places you in a difficult position. With the data that is incomplete you must be concerned about misleading the public or making disclosures injurious to the national interest.

and must constantly balance those dangers with your obligation to our citizenry to keep them well informed and to uncover malfeasance in government where it exists.

Another area of delicate responsibility for you is in judging the validity of so-called "whistleblowers" who come to you with shocking tales of impropriety or inefficiency. Many of these appear to have nothing but the most altruistic of motivations, and I'm certain they bring reassurances that what they are disclosing is not really secretive. Let me suggest that what is legitimately secret or sensitive is not always obvious on its face, especially to former officials who were third or fourth ~~official~~ echelon at their best and who are badly out of date. The potential in these situations for abuse of you and your role is immense. What better way to promote a forthcoming book than to titillate the public through encouraging you to issue samples of unauthorized revelation. How many so-called "whistleblowers" go through the oversight mechanisms I have described where abuses and undue secrecy can be questioned ~~under~~ within the governmental circle of secrecy. Frankly, I have yet to see a whistleblower fully utilize these relief valves before going to the court of last resort--you the public press. I am suspicious as to motivation and suggest you might well be also.

TAPE 13(a) 1/2  
Side A, 0-

When I thumb through my morning newspaper each day, I instinctively ask how many of our intelligence sources may have been compromised, which reporter picked up the leak, which intelligence officer required to testify in court was caught off guard, which subpoena resulted in turning over a document or notes that could incriminate a human agent. Clearly, I have come to look on you people as the bad guys in the black hats who disclose the secrets that we in the white hats are trying to maintain. As often as not, however, I am finding that the issue of protecting sources has become your problem as much as mine. I welcome you to the club, not only is the profession of intelligence today endangered by undue disclosure<sup>ure</sup>, but so, too, it would appear is your profession. At least I interpret your response to the court cases against Mr. Farber and in the Stanford Daily and others as indicating you believe that preserving the confidentiality of your sources is essential both to meeting your obligations as news persons and clearly continued usefulness of your profession.

Let me assure you that if this is anything of a problem to you the danger of disclosing sources is the number one threat to our American intelligence community today. The focus<sup>of</sup>/the media with respect to intelligence for almost four years now has been on actual and alleged abuses. Let me assure you that I sincerely believe the threat to our

country of excesses in intelligence operations is far less today than an inability to conduct such operations because of the risk of disclosure of them.

For instance, our allies.

For instance, our agents.

And finally, we are beset by the danger of timidity.

But we must take risks.